



PATENT APPLICATION

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3-1-04
Date

Cynthia Hagen
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thereas A. Deisher, Darrell C. Conklin, Fenella Raymond, Thomas R. Bukowski, Susan d. Holderman, Paul O. Sheppard

Serial No. : 10/081,347

Filed : February 21, 2002

For : NOVEL FGF HOMOLOGS

Examiner : Saoud, Christine

Art Unit : 1647

Docket No. : 96-20C5

Date : March 1, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated September 30, 2003 please extend the period of time for response four months, to expire on February 28, 2004. Response is proper to March 1, 2004 because February 28, 2004 fell on a Sunday. Enclosed are a Request for Extension of Time and the requisite fee.

REMARKS

The Office Action sets forth a restriction requirement under 35 USC § 121, Applicant was requested to elect one of five designated groups as noted below:

- I. Claims 1-18 drawn to polynucleotides, vectors, host cells and recombinant methods of production, classified in class 435, subclass 69.4.
- II. Claims 19-33, drawn to polypeptides and pharmaceutical compositions classified at least in class 530, subclass 399.
- III. Claims 34-35, drawn to method for expanding mesenchymal cells, classified in class 514, subclass 12.
- IV. Claims 36-38, drawn to a method of improving cardiac performance, classified in class 514, subclass 12.
- V. Claims 39, drawn to a method of improving cardiac performance by administration of a polynucleotide, classified in class 514, subclass 44.

In response to the Requirement for Restriction Election, Applicant elects without traverse Group I, Claims 1-18. Claims 19 -39 are withdrawn from the case; however, Applicant reserves the right to pursue and prosecute these claims in continuation and divisional applications.

Early action upon and allowance of this application are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6627.

Respectfully Submitted,



Michelle L. Johnson
Registration No. 36,352

Enclosures: Request for Extension of Time (in duplicate)
Power of Attorney
Postcard